HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 3674 of 2007

DATED: 26-02-2007

Between:

M.Eswarudu

…Petitioner

and

The Commissioner,
Municipal Office,
Repalle, Guntur District

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 3674 of 2007

ORAL ORDER:

The petitioner retired on 30-6-2005 after having served as an Attender in the Municipal Office, Repalle. Municipal Quarter No.3, Repalle was allotted to the petitioner during his service and the rent thereof was being deducted from his salary. Even after his retirement, he continued in the quarter without vacating the same. According to the petitioner, subsequent to the retirement, the same quarter was allotted to his son M.Shivanarayana working as a Night Watchman in the Municipality. Some disputes had arisen between the petitioner and his son and according to the petitioner, his son had petitioned to the respondent to evict the petitioner, in view of the allotment of the quarter to himself.

The proceedings dated 26-9-2006 have been issued by the respondent stating that the petitioner, having retired from service on 30-6-2005, has not vacated the quarter and therefore should vacate the same, failing which action would be taken as per the Municipalities Act, 1955. Assailing this notice dated 26-9-2006 the petitioner has approached this Court.

The petitioner does not establish any legal right to continue in the quarter. Orally, it is submitted by the petitioner that as per the hire purchase scheme enjoined by the State Government in G.O.Ms.No.56 Housing Municipal Administration and Urban Development Department dated 28-10-1989 the petitioner is entitled to continue in the quarter. This oral submission of the petitioner has no basis in the

pleadings. There is not even a punctuation mark in the pleadings asserting any nexus between G.O.Ms.No.56 and the claims and expectations of the petitioner. This contention, therefore does not deserve consideration.

In so far as the petitioner's claim to continue in the quarter is concerned, there is no legal right for the petitioner's expectation either. The petitioner will have to sort out his differences with his son M.Shivanarayana in an appropriate forum other than this Court under Article 226 of the Constitution of India. The respondent-Municipality is not within the loop of the domestic disputes between the petitioner and his son. The impugned notification is an independent administrative action, which is legitimate and does not deserve interdiction.

There are no merits in the writ petition. The writ petition is accordingly dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

26-02-2007
GRR